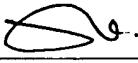


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TOWNSEND and TOWNSEND and CREW LLP

By: 

Tiffany Wu

*TEW*  
**PATENT**  
Attorney Docket No.: 022128-000300US



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK DEEM et al.

Application No.: 10/665,974

Filed: September 18, 2003

For: METHODS AND APPARATUS  
FOR TREATMENT OF PATENT  
FORAMEN OVALE

Examiner: Michael F. Peffley

Art Unit: 3739

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [in compliance with the requirements of 37 CFR §1.98(a)(2)] are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

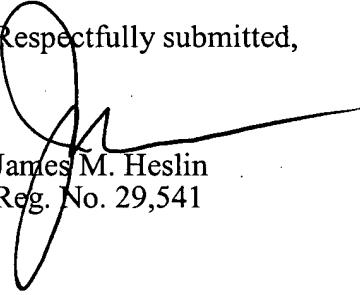
As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

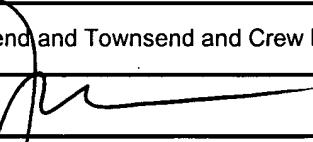
  
James M. Heslin  
Reg. No. 29,541

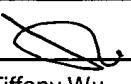
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
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Tel: 650-326-2400  
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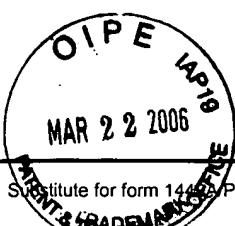
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<b>OPI PETRANTIAL FORM</b> <i>MAR 22 2006</i> <small>(to be used for all Correspondence after initial filing)</small>		Application Number	10/665,974
		Filing Date	September 18, 2003
		First Named Inventor	DEEM, MARK E.
		Art Unit	3739
		Examiner Name	Michael F. Peffley
		Attorney Docket Number	022128-000300US

<b>ENCLOSURES (Check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard PTO/SB/08A & PTO/SB/08B 14 Reference Copies
Remarks      The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	James M. Heslin		
Date	March 17, 2006	Reg. No.	29,541

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Substitute for form 1449, PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	1	of	3	Attorney Docket Number	022128-000300US
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**Complete if Known**

Application Number	10/665,974
Filing Date	September 18, 2003
First Named Inventor	DEEM, MARK E.
Art Unit	3739
Examiner Name	Michael F. Peffley

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> ( <i>f known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	3,874,388	04-01-1975	King et al.	
	2	4,788,975	12-06-1988	Shturman et al	
	3	4,798,594	01-17-1989	Hillstead	
	4	4,895,565	01-23-1990	Hillstead	
	5	5,041,095	08-20-1991	Littrell	
	6	5,292,362	March 8, 1994	Bass et al.	
	7	5,380,304	01-10-1995	Parker	
	8	5,383,917	01-24-1995	Desai et al.	
	9	5,620,481	04-15-1997	Desai et al.	
	10	5,693,078	12-02-1997	Desai et al.	
	11	6,086,570	07-11-2000	Aboul-Hosn et al.	
	12	6,211,335	04-03-2001	Owen et al.	
	13	6,423,057	07-23-2002	He et al.	
	14	6,475,213	11-05-2002	Whayne et al.	
	15	6,726,718	04-27-2004	Carlyle et al.	
	16	6,733,498	05-11-2004	Paton et al.	
	17	6,770,072	08-03-2004	Truckai et al.	
	18	6,893,431	05-17-2005	Naimark et al.	
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	20	6,929,644	08-16-2005	Truckai et al.	
	21	6,946,134	09-20-2005	Rosen et al.	
	22	2001/0051803	12-13-2001	Desai et al.	
	23	2003/0199868	10-23-2003	Desai et al.	
	24	2004/0092973	05-13-2004	Chanduszko et al.	
	25	2005/0075665	04-07-2005	Brenzel et al.	
	26	2005/0125032	06-09-2005	Whisenant et al.	
	27	2005/0171526	08-04-2005	Rioux et al.	
	28	2005/0187568	08-25-2005	Klenk et al.	
	29	2005/0192626	09-01-2005	Widomski et al.	
	30	2005/0192627	09-01-2005	Whisenant et al.	
	31	2005/0192654	09-01-2005	Chanduszko et al.	
	32	2005/0209636	09-22-2005	Widomski et al.	
	33	2005/0216054	09-29-2005	Widomski et al.	
	34	2005/0251201	11-10-2005	Roue et al.	
	35	2005/0256532	11-17-2005	Nayak et al.	

Examiner Signature		Date Considered
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO				<b>Complete if Known</b>	
				Application Number	10/665,974
				Filing Date	September 18, 2003
				First Named Inventor	DEEM, MARK E.
				Art Unit	3739
				Examiner Name	Michael F. Peffley
(Use as many sheets as necessary)					
Sheet	2	of	3	Attorney Docket Number	
022128-000300US					

<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	36	2005/0267495	12-01-2005	Ginn et al.	
	37	2005/0267525	12-01-2005	Chanduszko	
	38	2006/0036284	02-16-2006	Blaeser et al.	

<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup>	Number <sup>4</sup>			
	39	WO	99/23959	05-20-1999	VALLEYLAB INC	<input type="checkbox"/>
	40	WO	01/013810	03-01-2001	MIRACLE MEDICAL SURGICAL TECHN	<input type="checkbox"/>
	41	WO	2005/074814	08-18-2005	NMT MEDICAL INC	<input type="checkbox"/>
	42	WO	2005/115256	12-08-2005	OVALIS INC	<input type="checkbox"/> <input type="checkbox"/>

Examiner Signature		Date Considered
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Substitute for form 1449B/PTO				<i>Complete if Known</i>	
				<i>Application Number</i>	10/665,974
				<i>Filing Date</i>	September 18, 2003
				<i>First Named Inventor</i>	DEEM, MARK E.
				<i>Art Unit</i>	3739
				<i>Examiner Name</i>	Michael F. Peffley
Sheet	3	of	3	<i>Attorney Docket Number</i>	022128-000300US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	43	ATHIRAMAN et al., "Selective Photothermal Tissue Interaction Using 805-nm Laser and Indocyanine Green in Tissue Welding," <i>Journal of X-Ray Science and Technology</i> , Vol. 12, No. 2, (2004), pp. 117-126.	<input type="checkbox"/>
	44	FENNER et al., "Shear Strength of Tissue Bonds as a Function of Bonding Temperature: A Proposed Mechanism for Laser-Assisted Tissue Welding," <i>Lasers in Medical Science</i> , Vol. 7, (1992), pp.39-43.	<input type="checkbox"/>
	45	GODLEWSKI et al., "Applications and Mechanisms of Laser Tissue Welding in 1995: Review," <i>Proc. SPIE</i> , Vol. 2623, (Jan 1996) pp. 334-341.	<input type="checkbox"/>
	46	OLSON et al., "Developing An Animal Model for the Study of Fusion Using RF Energy," <i>Proc. SPIE</i> , Vol. 5312, (2004), pp. 147-161.	<input type="checkbox"/>
	47	OTT et al., "Comparative in Vitro Study of Tissue Welding Using a 808 nm Diode Laser and a Ho:YAG laser," <i>Lasers Med Sci</i> , Vol. 16, (2001) pp. 260-266.	<input type="checkbox"/>
	48	POPPAS et al., "Temperature-Controlled Laser Photocoagulation of Soft Tissue: in Vivo Evaluation Using a Tissue Welding Model," <i>Lasers Surg Med.</i> , Vol. 18, No. 4, (1996), pp.335-344.	<input type="checkbox"/>
	49	STEWART et al., "Laser Assisted Vascular Welding with Real Time Temperature Control," <i>Lasers Surg Med.</i> , Vol. 19, No. 1, (1996), pp. 9-16.	<input type="checkbox"/>
	50	TANG et al., "Quantitative Changes in Collagen Levels Following 830-nm Diode Laser Welding," <i>Lasers Surg Med.</i> , Vol. 22, No. 4, (1998), pp. 207-211.	<input type="checkbox"/>
	51	TANG et al, "Morphologic Changes in Collagen Fibers after 830 nm Diode Laser Welding," <i>Lasers Surg Med.</i> , Vol. 21, No. 5 (1997), pp. 438-43.	<input type="checkbox"/>

Examiner Signature	Date Considered
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